

ASSEMBLY BILL

No. 704

Introduced by Assembly Member Dymally

February 17, 2005

An act to add Chapter 6.4 (commencing with Section 2839) to Division 2 of the Business and Professions Code, relating to geriatric health care assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 704, as introduced, Dymally. Geriatric health care assistants: licensing and regulation.

Existing law provides for the licensing and regulation of various health care professionals, including registered nurses by the Board of Registered Nursing and vocational nurses by the Board of Vocational Nursing and Psychiatric Technicians.

This bill would provide for the licensing and regulation of geriatric health care assistants by the Board of Vocational Nursing and Psychiatric Technicians, and would set forth related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 6.4 (commencing with Section 2839) is
- 2 added to Division 2 of the Business and Professions Code, to
- 3 read:

CHAPTER 6.4. GERIATRIC HEALTH CARE ASSISTANTS

2839. This chapter shall be known and may be cited as the Geriatric Health Care Assistants Act.

2839.1. For purposes of this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) “Geriatric health care assistant” means a person who meets the requirements of this chapter and is certified as a geriatric health care assistant by the board.

(c) “Resident nurse” means a vocational nurse licensed by the board or a registered nurse licensed by the Board of Registered Nursing, who possesses a current valid certificate to practice, and who is employed by the geriatric residence.

2839.2. Notwithstanding any other provision of law, a geriatric health care assistant may perform those services set forth by the regulations of the board.

2839.3. The board shall certify a person as a geriatric health care assistant if he or she meets all of the following requirements:

(a) He or she submits a written application for certification on a form provided by the board and pays an application fee prescribed by the board.

(b) He or she has been gainfully employed, on a full-time basis, in a geriatric residence for a period of no less than 12 consecutive months under the supervision of a resident nurse.

(c) He or she has received on the job training, in the course of his or her employment pursuant to subdivision (b), in all of the following subjects:

(1) Personal care and comfort functions for the elderly, including, but not limited to, the following:

(A) Assistance with mobility.

(B) Bathing.

(C) Care of hearing aids, glasses, and prosthetic devices.

(D) Maintenance of a clean and healthful environment.

(E) Oral hygiene and denture care.

(F) Perineal care.

(G) Toileting and incontinence care.

(2) Performing the Heimlich maneuver.

(3) Insertion of cleaning enemas and laxative suppositories.

1 (4) Providing care to patients with urinary, gastric, oxygen,
2 and intravenous tubing, excluding inserting, suctioning,
3 changing, or repositioning the tubes.

4 (5) Taking vital signs and measuring height and weight.

5 (6) Coordination of resident care duties, such as art, hobby,
6 and recreational and socialization activities.

7 2839.4. (a) All geriatric health care assistant certificates shall
8 expire at midnight of the last day of the birth month of the
9 registrant during the second year of a two-year term, if not
10 renewed.

11 The board shall establish by regulation procedures for the
12 administration of a birthdate renewal program, including, but not
13 limited to, the establishment of a system of staggered certificate
14 expiration dates and a pro rata formula for the payment of
15 renewal fees.

16 To renew an unexpired certificate, a geriatric health care
17 assistant shall, on or before the date of expiration of the
18 certificate, apply for renewal on a form provided by the board,
19 accompanied by the prescribed renewal fee.

20 (b) A certificate that has expired may be renewed at any time
21 within five years after its expiration by filing an application for
22 renewal on a form prescribed by the board, and payment of all
23 accrued and unpaid renewal fees. If the certificate is not renewed
24 within 30 days after its expiration, the geriatric health care
25 assistant shall also pay the prescribed delinquency fee.

26 2839.5. (a) After a hearing as required by subdivision (b), the
27 board may order the denial of an application for, the issuance
28 subject to terms and conditions of, the suspension or revocation
29 of, or the imposition of probationary conditions upon, a geriatric
30 health care assistant certificate for unprofessional conduct, which
31 includes, but is not limited to, any of the following:

32 (1) A violation of this chapter.

33 (2) A violation of the Medical Practice Act.

34 (3) A violation of the regulations adopted by the board.

35 (b) Any proceedings involving the denial, suspension, or
36 revocation of an application for certification or the certificate of
37 a geriatric health care assistant shall be conducted in accordance
38 with Chapter 5 (commencing with Section 11500) of Part 1 of
39 Division 3 of Title 2 of the Government Code.

1 2839.6. (a) The board may adopt, amend, and repeal
2 regulations as necessary to enable it to carry into effect the
3 provisions of this chapter. These regulations shall be adopted,
4 amended, or repealed in accordance with the provisions of
5 Chapter 3.5 (commencing with Section 11340) of Part 1 of
6 Division 3 of Title 2 of the Government Code.

7 (b) The board shall adopt regulations setting fees that include,
8 but are not limited to, the following:

9 (1) A certification application fee.

10 (2) A certification renewal fee.

11 (3) A late renewal fee.

12 2839.7. No person other than one who has been certified to
13 practice as a geriatric health care assistant shall do any of the
14 following:

15 (a) Practice as a geriatric health care assistant or in a similar
16 capacity.

17 (b) Hold himself or herself out as a “geriatric health care
18 assistant.”

19 (c) Use any other term indicating or implying that he or she is
20 a geriatric health care assistant.